

THE REYNAL LAW FIRM
F. ANDINO REYNAL
Admitted Pro Hoc Vice
917 Franklin St., Sixth Floor
Houston, Texas 77002
Phone: (713) 228-5900
Email: areynal@frlaw.us
Attorneys for the Luigi Montes

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIGI J. MONTES,

Defendant.

Case No. 23-cr-00002-RFB-VCf

Stipulation to Continue Sentencing
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson
United States Attorney for the District of Nevada, and Jim Fang, Assistant United States Attorney,
and F. Andino Reynal, counsel for Defendant Luigi Montes, that the sentencing hearing currently
scheduled for January 5, 2023, at 9:15 a.m. (ECF No. 157) is continued for no sooner than 14 days,
to a date and time convenient to this Court. This stipulation is made and based upon the following:

1. Mr. Montes entered a change of plea on February 16, 2023, pleading guilty to Count One
of the Criminal Information, Conspiracy to Commit Mail Fraud in violation of 18 U.S.C.
§1341. ECF Nos. 102.
2. Sentencing is currently scheduled for January 5, 2023, at 9:15 a.m., ECF No. 157.
3. Probation released its draft PSR on April 25, 2023.
4. Counsel for Mr. Montes is set for final pretrial conference in *United States v. Nicole
Buitrago-Diaz*, 1:21-cr-0058 (E.D. Tex.) on January 4, 2023, and the case has been placed

on the trial docket for the following week. Jury selection and trial will begin in Beaumont, Texas at the court's convenience.

5. Mr. Montes is on release and does not oppose the continuance request.

6. This is the fourth request for a continuance of the sentencing hearing.

7. The additional time requested herein is sought in good faith and not for purposes of delay.

8. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed [for sentencing] in this rule." Furthermore, a delay in sentencing does not implicate or undermine the defendant's speedy trial rights under the United States Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).

9. Denial of this request for continuance would deny counsel for Mr. Montes sufficient time to effectively and thoroughly prepare for sentencing and would conflict with his obligations in *United States v. Nicole Buitrago-Diaz*, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.

DATED this 7th day of December, 2023.

Isl Jim Fang.
Assistant U.S. Attorney
Counsel for the United States

sl F. Andino Rrynal
F. Andino Reynal, ESQ.
Counsel for Defendant Montes

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that on the 7th day of December, 2023, a copy of this motion was served on all counsel of record by the Court's ECF service.

Isf F. Andino Reynal

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIGI J. MONTES,

Defendant.

Case No. 23-cr-00002-RFB-VCF

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Montes entered a change of plea on February 16, 2023, pleading guilty to Count One of the Criminal Information, Conspiracy to Commit Mail Fraud in violation of 18 U.S.C. §1341. ECF Nos. 102, 103.
2. Sentencing is currently scheduled for January 5, 2023, at 9:00 a.m., ECF No. 157.
3. Defense counsel has conflicting responsibilities in *United States v. Nicole Buitrago- Diaz*, 1:21-cr-0058 (E.D. Tex.), which is set for final pre-trial conference on January 4, 2023.
4. Mr. Montes is on release and does not oppose the continuance request.
5. This is the fourth request for a continuance of the sentencing hearing.
6. The additional time requested herein is sought in good faith and not for purposes of delay.
7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed [for sentencing] in this rule." Furthermore, a delay in sentencing does not implicate or undermine the defendant's speedy trial rights under the United States

1 Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct.
2 1609, 1617-18 (2016).

- 3 8. Denial of this request for continuance would deny counsel for Mr. Montes sufficient time
4 to effectively and thoroughly prepare for sentencing and would conflict with his obligations
5 in *United States v. Nicole Buitrago-Diaz*, taking into account due diligence. Accordingly,
6 a denial of this request for continuance could result in a miscarriage of justice.

ORDER

Based upon the stipulation of the parties, and good cause appearing, it is hereby ORDERED that Mr. Montes' sentencing hearing currently scheduled January 5, 2023, at 9: 15 a.m., be VACATED.

IT IS FURTHER ORDERED that the sentencing hearing is reset for February 8, 2024 at 10:00 a.m. before the Honorable Richard F Boulware, in Courtroom 7C, Las Vegas, Nevada.

DATED: December 8, 2023



THE HONORABLE RICHARD F. BOULWARE
UNITED STATES DISTRICT JUDGE